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7 Attorney for Spencer Christjencody Gear

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 SPENCER CHRISTJENCODY GEAR,

14 Defendant.
15

Case No. 2:24-cr-00152-JAD-BNW

**STIPULATION TO CONTINUE
MOTION DEADLINES AND
TRIAL DATES**
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Jacob H. Operskalski, Assistant United States Attorney, counsel
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
19 Rebecca A. Levy, Assistant Federal Public Defender, counsel for Spencer Christjencody Gear,
20 that the calendar call currently scheduled for December 2, 2024 at 1:00 p.m., and the trial
21 scheduled for December 17, 2024 at 1:30 p.m., be vacated and set to a date and time convenient
22 to this Court, but no sooner than sixty (60) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
24 and including December 19, 2024, to file any and all pretrial motions and notices of defense.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
26 shall have to and including January 2, 2025, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including January 9, 2025, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Defense counsel needs additional time to review discovery, investigate the
5 charge in order to determine whether there are any pretrial issues that must be litigated and
6 discuss with her client to determine whether the case will ultimately go to trial or will be
7 resolved through negotiations.

8 2. The defendant is incarcerated and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested herein is not sought for purposes of delay, but
11 merely to allow counsel for defendant sufficient time within which to be able to effectively and
12 complete investigation of the discovery materials provided.

13 5. Additionally, denial of this request for continuance could result in a miscarriage
14 of justice. The additional time requested by this Stipulation is excludable in computing the time
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
17 Section 3161(h)(7)(B)(i), (iv).

18 This is the second stipulation to continue filed herein.

19 DATED this 15th day of October 2024.

20 RENE L. VALLADARES
21 Federal Public Defender

JASON M. FRIERSON
United States Attorney

22 */s/ Rebecca A. Levy*
23 By _____
24 REBECCA A. LEVY
Assistant Federal Public Defender

/s/ Jacob H. Operskalski
By _____
JACOB H. OPERSKALSKI
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 SPENCER CHRISTJENCODY GEAR,

7 Defendant.

Case No. 2:24-cr-00152-JAD-BNW

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Defense counsel needs additional time to review discovery, investigate the
14 charge in order to determine whether there are any pretrial issues that must be litigated and
15 discuss with her client to determine whether the case will ultimately go to trial or will be
16 resolved through negotiations.

17 2. The defendant is incarcerated and does not object to the continuance.

18 3. The parties agree to the continuance.

19 4. The additional time requested herein is not sought for purposes of delay, but
20 merely to allow counsel for defendant sufficient time within which to be able to effectively and
21 complete investigation of the discovery materials provided.

22 5. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice. The additional time requested by this Stipulation is excludable in computing the time
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
26 Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including December 19, 2024, to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including January 2, 2025, to file any all responses.

IT IS FURTHER ORDERED that the parties shall have to and including January 9, 2025, to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the ____ day of _____, 2025.

IT IS FURTHER ORDERED that the calendar call currently scheduled for December 2, 2024, at the hour of 1:30 p.m., be vacated and continued to _____ at the hour of ____:____.m.; and the trial currently scheduled for December 17, 2024, at the hour of 1:30 p.m., be vacated and continued to _____ at the hour of ____:____.m.

DATED this ____ day of October 2024.

UNITED STATES DISTRICT JUDGE